

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TUBBS BROTHERS, INCORPORATED,
TROY SWEET, TINA M. SWEET,

Plaintiffs and counter-defendants,

Case Number 12-13104
Honorable David M. Lawson

v.

PRIME EAGLE, LLC,

Defendants and counter-plaintiffs.

ORDER DENYING DEFENDANT'S MOTION FOR CHANGE OF VENUE

The matter is before the Court on the defendant's motion for change of venue. The defendant did not state in its motion whether defendant's counsel sought concurrence in the relief requested from counsel for the plaintiffs before filing the motion, as defendant's counsel was obliged to do under the local rules. *See* E.D. Mich. LR 7.1(a). In this district, movants must seek concurrence in the relief requested before filing a motion for relief in this Court. E.D. Mich. LR 7.1(a). If concurrence is obtained, the parties then may present a stipulated order to the Court. If concurrence is not obtained, Local Rule 7.1(a)(2) requires that the moving party state in the motion that "there was a conference between the attorneys . . . in which the movant explained the nature of the motion and its legal basis and requested but did not obtain concurrence in the relief sought [] or . . . despite reasonable efforts specified in the motion, the movant was unable to conduct a conference." E.D. Mich. LR 7.1(a)(2).

The defendant does not state in its motion that concurrence was sought from the plaintiffs before filing the motion. "It is not up to the Court to expend its energies when the parties have not sufficiently expended their own." *Hasbro, Inc. v. Serafino*, 168 F.R.D. 99, 101 (D. Mass. 1996).

The defendant has filed its motion in violation of the applicable rules. Therefore, the Court will deny it.

Accordingly, it is **ORDERED** that the defendant's motion for change of venue [dkt. #2] is **DENIED WITHOUT PREJUDICE**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: July 27, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 27, 2012.

s/Deborah R. Tofil
DEBORAH R. TOFIL